IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 57 OF 2003 AND
CIVIL APPLICATION NO. 31 OF 2003

1. Shri Pandurang Dhaklo Chedo Naik,

2. Shri Khusali Dhaklo Chedo Naik,

3. Shri Suresh Dhaklo Chedo Naik,

4. Shri Krishna Dipu Naik,

5. Shri Gansu Rama Naik,

6. Shri Nonu Gansu Naik,

7. Shri Pandu Gansu Naik,

8. Shri Gurudas Narayan Naik,
all majors in age, r/o
Parpatiwada, Nagueshi,
Bnadora,Goa. .... Petitioners.

Versus

1. Shri Mahendra P.N. Gaunekar,
La Marine Apartments,
D. B. Bandodkar Road,
Panaji, Goa, and

2. Comunidade of Bandora,
through its Attorney,
Nagueshi, Bandora,Goa. .... Respondents.

Shri N. K. Sawaikar, advocate for the petitioners.

CORAM : F. I. REBELLO, J.

DATE : 23rd July, 2003.

ORAL ORDER

The petitioners herein applied for an adjournment for production of documents. The respondents herein did not object to the same. The trial Court however dismissed the application on the ground that no grounds have been made out and the grounds sought to be raised are too vague to be

considered. At the stage of admission, this Court directed notice to the respondents, on 20th February, 2003. The record shows thatrespondent no.2 has been served and respondent no.1 could not be served as there is an endorsement "has left". The record shows that no objection was given by the respondent no.1. In the light of that the earlier order of this Court dated 20th February, 2003 directing notice to respondent no.1 is recalled. None appears for respondent no.2, who has been served.

2. Considering that respondent no.1 has granted no objection, in my opinion the trial Court in such a matter ought not to have taken, too technical a view.

In the light of that and without formally passing any order on the application dated 13th March, 2002, the impugned Order dated 13th March, 2002 is set aside. Petitioner is directed to file amendment to the plaint. The trial Court after hearing the respondent to pass orders according to law. Rule made accordingly. No order as to costs.

Civil Application is disposed of as infructuous.

F. I. REBELLO, J.